

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DAVID S. JOHNSON,)
)
Plaintiff,) Civil Action No. 16-1068
)
v.) Judge Cathy Bissoon
) Magistrate Judge Cynthia Reed Eddy
CITY OF PITTSBURGH, *et.al.*,)
)
)
Defendants.)

MEMORANDUM ORDER

This case was referred to United States Magistrate Judge Cynthia Reed Eddy for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. §§ 636(b)(1)(A) and (B), and Local Rule of Civil Procedure 72.

On January 4, 2018, the Magistrate Judge issued a Report (Doc. 59) recommending that the Court dismiss Plaintiff's First and Fourteenth Amendment claims against the City of Pittsburgh, the University of Pittsburgh, and the University of Pittsburgh Police Department with prejudice for failure to prosecute. Service of the Report and Recommendation was made on the parties, and no objections have been filed.

After a review of the pleadings and documents in the case, together with the Report and Recommendation, the following Order is entered:

Plaintiff's First and Fourteenth Amendment claims against Defendants the City of Pittsburgh, the University of Pittsburgh and the University of Pittsburgh Police Department are dismissed with prejudice for failure to prosecute.

IT IS FURTHER ORDERED that Defendants the City of Pittsburgh, the University of Pittsburgh and the University of Pittsburgh Police Department are terminated from this action, as no claims remain against them. The only claim that remains is Plaintiff's Fourth Amendment claim against Officers Falorico and Visnich and Officers John Does 1 and 2 for their conduct in relation to Plaintiff's investigative detention. The matter is referred back to Judge Eddy for further proceedings.

The Magistrate Judge's Report and Recommendation dated January 4, 2018, hereby is adopted as the Opinion of the District Court.

IT IS SO ORDERED.

January 29, 2018

s/Cathy Bissoon

Cathy Bissoon
United States District Judge

cc (via ECF email notification):

All counsel of record

cc (via First-Class U.S. Mail):

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